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**Guy M. Hicks**  
General Counsel

December 2, 1997

Dennis McNamee, Esquire  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0500

Re: *Universal Service Generic Contested Case*  
Docket No. 97-00888

Dear Dennis:

Enclosed is the executed Agreed Order permitting questions from the Staff during the hearing in this proceeding.

Very truly yours,

Guy M. Hicks

GMH:ch

cc: Charles Howorth  
Bennett Ross



**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**IN RE: UNIVERSAL SERVICE  
GENERIC CONTESTED CASE**

)  
) **DOCKET NO. 97-00888**  
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**AGREED ORDER PERMITTING QUESTIONS FROM STAFF DURING HEARING ON  
THE MERITS**

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**Background**

This matter came before the Tennessee Regulatory Authority ("Authority") upon its own motion, for the commencement of a new generic contested case on the establishment of alternative Universal Service support mechanisms.

This matter was considered at a regularly scheduled Authority Conference held on May 13, 1997, at which time the Directors voted unanimously to: convene a new generic case proceeding to consider Universal Service, to set a pre-hearing conference, and to appoint Director Sara Kyle as Hearing Officer.

Subsequent to public notice, the first of two contemplated Pre-Hearing Conferences and one technical forum for this docket was held Monday July 28, 1997, at 1:00 P.M. This first Pre-Hearing Conference was held to:

1. Consider petitions for intervention,
2. Determine a statement of issues, and simplifying those issues, if appropriate,
3. Establish a discovery schedule and hearing date.
4. Recommend Conclusions of Law.

This Pre-Hearing Conference was conducted, pursuant to *T.C.A. 4-5-306*, in the Hearing Room at the Authority, 460 James Robertson Parkway, Nashville, Tennessee.

The second of the Pre-Hearing Conferences was held on September 23, 1997, to further refine and categorize the issues, and to determine if any issues could be the subject of a briefing process rather than requiring them to be subjects at issue at the Hearing on the merits.

### **Permission for Staff to Participate**

Upon acceptance of the Hearing Officer's Report, as Amended, the Authority scheduled a Technical Workshop for October 14, 1997. At the Workshop the Parties verbally agreed to allow the Staff of the Authority to participate in the Workshop, and assist in the redefinition of the issues and amendment of the case schedule discussed at the September 23, 1997, Pre-Hearing Conference.

### **Discussion**

The Phase 1 Hearing on the Merits in this docket is scheduled for the week of December 8-12, 1997, in the Hearing Room of the Authority, 460 James Robertson Parkway, Nashville, Tennessee, before Chairman Lynn Greer, Director Sara Kyle and Director Melvin Malone. It appears to the Authority that there are highly technical issues in this case and in light of a prior Agreed Order entered in Docket No. 96-01152<sup>1</sup> permitting the Authority staff to ask questions during a case proceeding, the Parties hereby agree to the entry of this Order.

### **IT IS THEREFORE ORDERED:**

1. That members of the telecommunications staff shall be allowed to ask questions directly of the witnesses in this case proceeding.

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<sup>1</sup> 1. See the Agreed Order of October 25, 1996, In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc., and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. Section 252.

2. That such questions will follow the Parties' direct and cross examination of a witness and will precede re-direct examination of a witness.

3. To the extent that the staff refrains from asking questions which tend to suggest the espousal of one Party's position over the other, the Parties have agreed that the staff's asking of questions does not remove them from the role of advisor and in no way creates the inference that the staff has become a Party to the proceeding. Further, the staff shall ask only for information that will enable them to better advise the Authority.

4. That any party aggrieved with the Authority's decision in this matter may file a petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

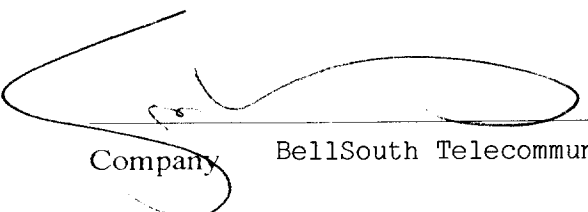
\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DIRECTOR

\_\_\_\_\_  
DIRECTOR

ATTEST:

\_\_\_\_\_  
EXECUTIVE SECRETARY

  
\_\_\_\_\_  
Company

BellSouth Telecommunications, Inc. Company

## CERTIFICATE OF SERVICE

I hereby certify that on December 2, 1997, a copy of the foregoing document was served on the parties of record, via hand delivery, fax, or U. S. Mail, postage pre-paid, addressed as follows:

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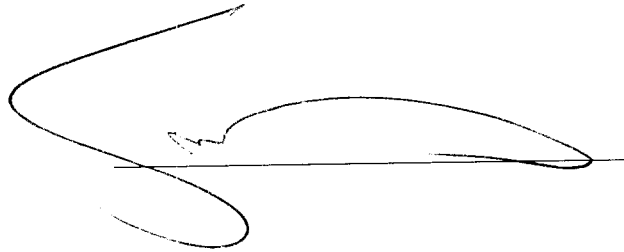
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A handwritten signature in black ink, featuring a large, sweeping loop on the left side and a horizontal line extending to the right, ending in a small flourish.